

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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PHILLIPS VAN HEUSEN CORP.,

Plaintiff,

-against-

**VOLUNTARY DISMISSAL  
AND ORDER**

M/V "APL CANADA", her engines, boilers, etc.  
and MITSUI O.S.K. LINES LTD.,

08 CIV 5969 (GEL)

Defendant.

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No answer having been filed and the captioned action having been settled, it is hereby discontinued as to all parties pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure with prejudice but without costs as to any party, subject to re-opening by letter application in the event that the settlement is not consummated within thirty (30) days of entry hereof.

Dated: New York, New York  
August 13, 2008

McDERMOTT & RADZIK, LLP  
Attorneys for Plaintiff

By:



James J. Ruddy (JR 6693)

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88 Pine Street 21<sup>st</sup> Floor  
New York, New York 10005  
212-376-6400  
Ref.: 64-08-882 JJR

**SO ORDERED:**

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U.S.D.J.